

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARY MATEJEVICH,)	
)	
Plaintiff)	
)	
vs.)	Civil Action No. 06-1557
)	Judge Terrence F. McVerry/
JO ANNE B. BARNHART, Commissioner)	Magistrate Judge Amy Reynolds Hay
of Social Security,)	
Defendant)	

MEMORANDUM ORDER

On November 27, 2006, this case was referred to United States Magistrate Judge Amy Reynolds Hay for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636 (b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On December 21, 2007, the magistrate judge issued a Report and Recommendation (Doc. 18) recommending that the District Court deny the Defendant's Motion for Summary Judgment (Doc. 15), and grant Matejevich's Motion for Summary Judgment (Doc. 12) insofar as it sought remand. The magistrate judge further recommended that this matter be remanded to the Commissioner with instructions to proceed expeditiously to reevaluate the evidence pertaining to the claimant's migraine headaches, reformulate, if necessary, the hypothetical questions to be posed to a vocational expert, and issue a decision properly analyzing the evidence of record. Service of the Report and Recommendation was made on all parties and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 8th day of January, 2008, IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment (Doc. 15) is DENIED, and that the Claimant Matejevich's Motion for Summary Judgment (Doc. 12) is GRANTED insofar as it seeks remand. The clerk is directed to remand this matter to the Commissioner forthwith, with directions that the ALJ act expeditiously to reevaluate the evidence pertaining to Matejevich's migraine headaches and their impact on her activities of daily living. If new hypothetical questions are necessary, the ALJ is also directed to reformulate the questions to be posed to a vocational expert, and to issue a decision properly analyzing the evidence of record.

The Report and Recommendation of Magistrate Judge Hay (Doc. 18) dated December 21, 2007, is hereby adopted as the opinion of the court.

BY THE COURT:

s/ Terrence F. McVerry
U.S. District Judge

cc:

Amy Reynolds Hay
United States Magistrate Judge

Attorneys of Record
Via Electronic Mail